

**RULES
OF
THE TENNESSEE PEACE OFFICER STANDARDS**

**CHAPTER 1110-9
CRITERIA FOR WAIVERS**

TABLE OF CONTENTS

1110-9-.01	Submission of Waiver Requests	1110-9-.04	Waivers of Preemployment Requirements
1110-9-.02	Waivers of Basic Training	1110-9-.05	Waivers of In-service Training
1110-9-.03	Waivers of POST Test	1110-9-.06	Waivers of Eight (8) months Full-Time Service

1110-9-.01 SUBMISSION OF WAIVER REQUEST. Request for waiver (except for those preemployment requirements) must be submitted by the agency currently employing the person requiring a waiver. Request for waiver of preemployment requirements must be submitted by the agency having an interest in hiring a person requiring such waiver prior to that persons employment. Request for waiver filled/submitted by an individual will not be accepted by the Commission.

Authority: T.C.A. §§38-8-104 and 38-8-106. **Administrative History:** Original rule filed August 4, 1992; effective November 29, 1992.

1110-9-.02 WAIVER OF BASIC TRAINING. The Commission may not consider a wavier of basic training requirements, however, a Substitution of Basic Training may be considered under the following circumstances as requested by the employing agency:

- (1) Substitution of Basic Training - may be granted for a law enforcement officer meeting the following criteria:
 - (a) having less than a five (5) year break in service from previous law enforcement employment in the State of Tennessee; and
 - (b) having left previous employment as a certified officer in good standing; and
 - (c) having at least forty (40) hours of in-service training that is in compliance with Chapter 7 and POST Rule 1110-2-.03 (4)(c)(1); or, having completed a federal, state, or local basic law enforcement training course.

Authority: T.C.A. §§38-8-104 and 38-8-106. **Administrative History:** Original rule filed August 4, 1992; effective November 29, 1992. Amendment filed April 19, 2002; effective August 28, 2002.

1110-9-.03 WAIVER OF POST TEST. A waiver of the POST Test may be considered on an individual basis upon review of education and previous law enforcement experience and training in the following circumstances:

- (1) Upon separation from employment as a state officer who completed basic training and enters employment as a full-time sworn commissioned law enforcement officer with an agency required to meet minimum standards.
- (2) Upon separation from employment as a federal law enforcement officer who has completed equivalent training for basic training.

Authority: T.C.A. §§38-8-104 and 38-8-106. **Administrative History:** Original rule filed August 4, 1992; effective November 29, 1992.

1110-9-.04 WAIVER OF PREEMPLOYMENT REQUIREMENTS. A waiver of preemployment requirements may be granted under the following circumstances:

- (1) No person may be employed as a law enforcement officer, who requires a waiver under this section, until such waiver is granted. “Any person who shall appoint any applicant, who, to the knowledge of the appointee, fails to meet the minimum standards as set forth herein or required by the Commission, and any person who signs the warrant or check for the payment of the salary of any person who, to the knowledge of the signer, fails to meet the qualifications as a law enforcement officer as provided herein or required by the Commission, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine not exceeding one thousand dollars (\$1,000)”.
- (a) Military History - The Commission may waive preemployment requirements relating to the military history on an individual basis and depending on the circumstances.
 1. Waivers may be granted from preemployment requirements for the following separations from military service:
 - (i) an Entry Level Separation
 - (ii) a General Discharge under Honorable Conditions.
 2. Waivers will not be granted from preemployment requirements for the following separation from military service:
 - (i) Dishonorable Discharge
 - (ii) Undesirable Discharge
 - (iii) Bad Conduct
 - (iv) Court Martial
- (b) Criminal Activity - The Commission may consider a waiver from preemployment requirements relating to criminal activity on an individual basis and depending on the circumstances.
 1. Waivers may be granted if the officer has been convicted of or pleaded guilty to or entered a plea of nolo contendere to any violation of any federal or state law or city ordinance (excluding felony charge and domestic violence) with the following charges:
 - (i) relating to force, violence, theft, dishonesty, gambling, liquor (including driving while intoxicated);
 - (ii) or controlled substances when the offense was classed as a misdemeanor.
 2. The employing agency requesting waiver must present a copy of the final court disposition of the case.
- (c) Expungement of Charges - The Commission may consider a waiver from preemployment requirements relating to expungement of charges on an individual basis and depending on the circumstances.
 1. A waiver may be considered for a person who has had misdemeanor charges expunged. It is the responsibility of the requesting agency to present information and court documentation relating to the expungement to the Commission.

(Rule 1110-9-.04, continued)

2. A waiver will not be granted for expungement in the event of the following circumstances:
 - (i) felony convictions,
 - (ii) narcotics violation that could result in a felony charge,
 - (iii) domestic violence convictions.
- (d) Mental Disorder - A waiver will not be granted from preemployment requirements relating to mental disorder.
- (e) Education - A waiver will not be granted from preemployment requirements relating to minimum education requirements.

Authority: T.C.A. §§38-8-104, 38-8-105, and 38-8-106. **Administrative History:** Original rule filed August 4, 1992; effective November 29, 1992. Amendment filed April 19, 2002; effective August 28, 2002.

1110-9-.05 WAIVER OF IN-SERVICE TRAINING. Failure of an individual officer to successfully complete the in-service training requirements annually will result in the officer's loss of eligibility for the pay supplement during the calendar year. Failure of this individual officer to successfully complete another in-service training session within one (1) year will result in loss of certification. A waiver of in-service training may be granted under the following circumstances:

- (1) Medical Disability - Requests for waivers of in-service training for a calendar year on the basis of medical disability should be submitted to the Commission by the chief administrative officer of the department explaining the individual case. This should be accompanied by a doctor's statement. Each request will be considered on an individual basis.
- (2) Retirement. Requests for waivers of in-service training for a calendar year on the basis that an officer will retire during that year, the certified officer must submit a letter to his chief administrator stating his intention to retire prior to the completion of in-service training for the calendar year. If the request is approved by his department, then a letter must be forwarded to the Commission for approval.
- (3) Failure to Complete - All full-time commission officers are required to complete annual in-service. Failure to complete annual in-service, for whatever reason, must be reported to the POST Commission by submitting a request for waiver and written explanation documenting the reason the officer failed to comply.

Authority: T.C.A. §§38-8-104 and 38-8-106. **Administrative History:** Original rule filed August 4, 1992; effective November 29, 1992.

1110-9-.06 WAIVER OF EIGHT (8) MONTHS' FULL-TIME SERVICE. The Commission may consider a waiver of the eight (8) months' full-time service during the calendar year under the following conditions providing in-service training has been completed during the calendar year:

- (1) Death of the officer.
- (2) Retirement.
- (3) Medical disability.
- (4) Separation due to change of administration (officer must be able to substantiate).
- (5) Military duty in the event of a national emergency.

(Rule 1110-9-.06, continued)

Authority: T.C.A. §§38-8-104 and 38-8-106. **Administrative History:** Original rule filed August 4, 1992; effective November 29, 1992. Amendment filed April 19, 2002; effective August 28, 2002.